THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO.10324 of 2006

24th May 2006

Between:

NAVEENA & MANISHA CABLE NET WORK, Pamarru, Krishna District, rep.by its Proprietor D.Venkateswara Rao, S/o.China Basavaiah, 55 yeas.

...PETITIONER

AND

1. A.P.Southern Power Distribution Company Limited Operation Circle, Vijayawada, rep.by its Assistant Engineer, Pamarru, Krishna District.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO.10324 of 2006

ORDER:

The petitioner, who is a cable operator, filed this Writ Petition seeking a writ of Mandamus declaring the demand of arrears of an amount of Rs.48,321/- (Rupees forty eight thousand three hundred and twenty one only) under the bill dated 04.04.2006 issued by the respondents as arbitrary, illegal and capricious, as there were no outstanding dues. Further, the respondents are threatening the petitioner to disconnect the electricity supply for non-payment, which they were not liable to pay.

The learned Standing Counsel for the respondents submitted that Clause No.32 (4) of the Terms and Conditions of Supply of Transmission Corporation of Andhra Pradesh Ltd., under the head Sale of Electricity to persons other than Licencees, governs the case. It stipulates:

> "Any dispute or complaint with regard to the bills shall be referred to by the consumer in writing to the local office of the Board but nevertheless the amount of such bills shall be paid by him under protest if necessary within the specified period".

Heard both sides. At the request of both sides the writ petition is taken up for hearing.

In view of the specific provision in the contract entered in between parties, the

petitioner has to pay the amount, necessarily even under protest. On such payment the respondent has to consider the representation made by the petitioner in this regard.

Accordingly, the Writ Petition is disposed of with a direction to the petitioner to pay the amount in dispute under protest and make a representation. On such representation, the respondents shall consider the same and pass appropriate orders. No costs.

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(D.APPA RAO, J)

24th May 2006

RRB

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